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Attorneys for Defendant Silver State Schools Credit Union

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AGATHA CRUZ QUINATA, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

SILVER STATE SCHOOLS CREDIT UNION,

Defendant.

CASE NO.:

PETITION FOR REMOVAL

Defendant Silver State Schools Credit Union (“SSSCU”) removes the Eighth Judicial District Court in Clark County, Nevada, to the United States District Court for the District of Nevada. This Court has Federal Question Jurisdiction under 28 U.S.C. § 1441 (b) and 28 U.S.C. § 1331.

I. INTRODUCTION

This case arises from the relationship between the Plaintiff, an account holder and member of SSSCU and SSSCU, particularly with respect to the assessment of certain overdraft fees and non-sufficient funds fees. Plaintiff originally filed the civil action styled *Agatha Cruz Quinata v. Silver State Schools Credit Union*, Case No. A-23-871844-B (the “State Court Action”) on June 5, 2023 and served summons on SSSCU thereafter. Plaintiff originally asserted Nevada common law claims for breach of contract and unjust enrichment, and a further claim for the alleged violation of the Nevada Deceptive Trade Practices Act, NRS § 598.0903, et seq.

Plaintiff has just recently filed an Amended Complaint adding an additional Sixth Claim for Relief based on alleged violations of the Electronic Funds Transfer Act, 15 U.S.C. § 1693, et seq., and Regulation E, 2 C.F.R. § 1005, et seq. SSSCU now removes the State Court Action to this Court based on Federal Question Jurisdiction.

II. THIS COURT HAS FEDERAL QUESTION JURISDICTION UNDER 28 U.S.C. § 1441 (B) AND 28 U.S.C. § 1331

The Electronic Funds Transfer Act and Regulation E create a private right of action under Federal Law. *Widjaja v. JPMorgan Chase Bank, N.A.*, 21 F.4th 579, 584 (9th Cir. 2021). In other words, the new Regulation E claim is a “claim arising under the ... laws ... of the United States,” to which federal question jurisdiction applies. 18 U.S.C. § 1331.

Plaintiff has now, for the first time, asserted a claim for relief under Federal Law, which also asserts specific additional statutory as allowable under the EFTA and Regulation E.

III. THE REMOVAL IS TIMELY

Plaintiff originally filed the State Court Action on June 5, 2023 and served summons on SSSCU thereafter. (A copy of the Summons and original Complaint are included within **Exhibit A.**) On March 30, 2025, Plaintiff sent to counsel for SSSCU an initial proposed Amended Complaint that, for the first time, specified and alleged additional facts to support a potential claim for violations of Regulation E of the Electronic Funds Transfer Act. (**Exhibit B.**) A revised proposed First Amended Complaint was sent by Plaintiff’s counsel the following day, on March 31, 2025, which expressly included not only the additional facts, but an additional Claim for Relief based on 15 U.S.C. § 1693, et

1 *seq.*, and 12 C.F.R. § 1005, *et seq.* (**Exhibit C.**)

2 Plaintiff filed a stipulation on April 1, 2025 for leave of court to file the proposed First Amended
3 Complaint. (See **Exhibit D.**) The Court entered an Order on April 4, 2025 granting Plaintiff leave to
4 file the First Amended Complaint. (**Exhibit E.**) Plaintiff filed the First Amended Complaint on April
5 4, 2025. (**Exhibit F.**) SSSCU is the only named defendant in the First Amended Complaint.

6 A defendant may remove “any civil action brought in a State court of which the district
7 courts...have original jurisdiction.” 28 U.S.C. § 1441. Original jurisdiction may be based on either
8 diversity jurisdiction or federal question jurisdiction. *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392
9 (1987).

10 SSSCU files this Notice of Removal within 30 days of March 30, 2025, the first day it became
11 aware of Plaintiff’s intention to raise an additional claim for relief under federal law that was not
12 previously part of the State Court Action. This Notice is therefore timely filed pursuant to 28 U.S.C. §
13 1446(b).

14 **IV. THE REMOVAL IS PROPERLY VENUED IN THIS COURT**

15 Plaintiff filed the State Court Action in the Eighth District Court, Clark County, Nevada, sitting
16 in Las Vegas, Nevada, which is located in the District of Nevada. Venue is proper in the United States
17 District Court for the District of Nevada pursuant to 28 U.S.C. § 1441(a) because it encompasses the
18 county in which the State Court action was filed.

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V. SSSCU MEETS ALL OTHER REQUIREMENTS FOR REMOVAL

SSSCU is the only Defendant in the State Court Action, and as such, there is no other defendant required to provide consent for removal. SSSCU attaches as **Exhibit G** copies of all process, pleadings, and orders filed in the State Court Action prior to the filing of this Petition for Removal. Upon the filing of this Notice with the Court, written filing of the Notice will be provided to Plaintiff's attorneys, Nathan R. Ring and Martin Schubert, via email. Following the filing of this Notice with the Court, a true and accurate copy of the Notice will be filed with the Clerk for the Eighth District Court, Clark County, Nevada.

DATED: April 9, 2025

LITCHFIELD CAVO LLP

By: 

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Attorneys for Silver State Schools Credit Union

INDEX OF EXHIBITS

- Exhibit A - Summons and Complaint
- Exhibit B - Email with Attachment, Initial Proposed Amended Complaint
- Exhibit C - Email with Attachment, Second Proposed Amended Complaint
- Exhibit D - Stipulation for Leave to File First Amended Complaint
- Exhibit E - Order Granting Leave to File First Amended Complaint
- Exhibit F - Filed First Amended Complaint
- Exhibit H - State Court Pleadings

I, Hilary Rainey, certify that I am an employee of the law offices of Litchfield Cavo LLP and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made. I also further certify that the service of the PETITION FOR REMOVAL was made on the 9th day of April, 2025, on all parties in this action, by causing a true copy thereof to be distributed by email as follows:

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